IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 20267 of 2007(K)

PETITIONER:

JOSE XAVIER.T,
GROUP INSTRUCTOR,
I.T.I. ETTUMANOOR, KOTTAYAM.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, DEPARTMENT OF INDUSTRIAL TRAINING,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR,
DIRECTORATE OF TRAINING,
(INDISTRIAL TRAINING DEPARTMENT),
THIRUVANANTHAPURAM.

3. THE JOINT DIRECTOR,
INDUSTRIAL TRAINING DEPARTMENT,
THYCAUD, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No. 20267 of 2007

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Dated this the 12th day of July, 2007.

J U D G M E N T

Petitioner is a Group Instructor in the Industrial Training Department which comes under the Directorate of Training, Thiruvnanthapuram. He is aggrieved by Ext.P1 order issued by the Director transferring him from Ettumanoor to Palakkad. Petitioner has raised several contentions in support of his plea that his transfer is totally unwarranted, vitiated and against the norms and regulations. Learned counsel has invited my attention to paragraphs 3 and 4 of the writ petition, in which he has highlighted the anomaly that had crept in while issuing Ext.P1 order. The contention of the petitioner appears to be that there is no warrant to shift the petitioner from Ettumanoor where itself there are not less than 7 vacancies. Three other vacancies still remain to be filled up also. It is also the case of the petitioner that he is the juniormost in the station. It is further contended by him that there are 17 new entrants as revealed from Ext.P3 who can be transferred. These are all matters which will have to be necessarily considered at the departmental level. I do not propose to deal with any of the above contentions in view of the order that I propose to pass.

2. When this writ petition came up for consideration on July 5, 2007, petitioner was directed to assume charge at Palakkad in compliance with the order of transfer. Petitioner has reportedly assumed charge at Palakkad on 9/7/2007.

3. Having regard to the entire facts and circumstances I am of

the view that the writ petition can be disposed of with appropriate directions not only to safeguard the interest of the Department but also to redress the grievance of the petitioner to the extent possible.

4. Therefore this writ petition is disposed of with a direction to respondent No.2 to consider and pass orders on Ext.P6 representation submitted by the petitioner with utmost compassion and due consideration of the relevant aspects highlighted by the petitioner in the said representation. While taking a decision in the matter, respondent No.2 shall keep in view Exts.P4 and P5 medical certificates as well as the specific averments contained in paragraphs 3 and 4 of the writ petition. A decision in the matter shall be taken by respondent No.2 as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment. Needless to mention that the petitioner shall be afforded sufficient opportunity to be heard before any decision is taken in the matter. If respondent No.2 is of the view that the order to be passed by him may affect any other employee, the said person shall also be afforded an opportunity to be heard.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.2 for compliance.

A.K. Basheer
Judge.

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